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Baker Wins Hearing On Wiretap Evidence

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A Federal Appeals Court yesterday gave Robert G. "Bobby" Baker a new chance to prove that his 1967 conviction for income tax evasion and other charges was tainted by illegal Government wiretapping.

The U.S. Court of Appeals here did not grant Baker a new trial, but it ordered District Court Judge Oliver Gasch to hold a fresh hearing in the case of the former secretary to the Senate Majority.

If Baker's attorneys can show that evidence used to convict their client flowed from FBI telephone "bugs," then Gasch will likely grant Baker a new trial.

However, the Appeals Court indicated that, for the time being, this is the only one of many grounds listed by Baker in his appeal that they are taking seriously.

Yesterday's order was continued.
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BAKER, From A1

tained in a unanimous, unsigned 53-page opinion. The Appeals Court panel is made up of Judges J. Skelly Wright, Carl McGowan, and Spottswood W. Robinson III.

It dismissed outright one of Baker's major contentions—that he could not get a fair trial in the District of Columbia because juries here are made up largely of Government workers who don't understand big spenders.

At the new hearing Baker's attorneys will be permitted to examine logs of recorded conversations that occurred in the hotel suite of local public relations man and Baker crony Fred B. Black, Jr., in which Baker was not a participant.

At an earlier hearing into the FBI logs, Judge Gasch had only permitted Baker's attorneys to examine transcripts of conversations in which Baker participated.

The Appeals Court ruled that since Baker was a frequent user of the suite, any bugging of it invaded his privacy as much as it did Black's

and therefore he must be given a chance to examine transcripts of all recorded conversations.

If Baker can prove that any of these other conversations provided the FBI with material which led to his conviction then he may move to have that conviction vacated.

The Appeals Court also instructed Judge Gasch to furnish Baker with copies of logs of bugged conversations that occurred in the offices of two Baker associates, Benjamin Sigelbaum of Miami and Edward Levinson of Las Vegas.

There are certain portions of the Levinson and Sigelbaum logs in which the identity of the speaker is unknown.

Judge Gasch ruled at the first hearing that the unidentified speaker was not Baker and his attorneys were therefore not entitled to examine those logs.

However, the Appeals Court ruled that Baker be given the opportunity to see the logs to decide for himself whether he was the unidentified speaker.